UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOHN M. POSEL,
Plaintiff

Case No. 1:09-cv-149
Litkovitz, M.J.

vs

THE DAYTON POWER & LIGHT
dba STUART STATION, et al,
Defendant

ORDER

This matter is before the Court on defendant Black & Veatch Corporation's ("Black & Veatch") cross-claims (Doc. 46), which remain pending as to defendants Mid-Atlantic Construction, Inc. ("Mid-Atlantic Construction") and Hartman-Walsh Painting Co. ("Hartman-Walsh") following the trial of this case.[1]

On August 21, 2009, Black & Veatch filed an amended answer and cross-claims seeking indemnification and contribution from several defendants named in this lawsuit in the event Black & Veatch was found to be negligent in this matter. Following the resolution of plaintiff's claims against several of the other defendants, this matter proceeded to trial before a jury on plaintiff's negligence claim against defendant Mid-Atlantic Construction. Black & Veatch filed a notice of cross-claim prior to the start of trial advising the Court that although plaintiff's claims against it had been dismissed on motion of plaintiff (Doc. 164), Black & Veatch's cross-claim against Mid-Atlantic Construction remained pending. (Doc. 177). Black & Veatch requested that its cross-claim against Mid-Atlantic Construction be preserved until the case was adjudicated by the jury.

[1]The cross-claim against Hartman-Walsh was partially dismissed on summary judgment. (Doc. 135 at 21-22).

On February 24, 2012, at the conclusion of the trial, the jury returned a verdict in favor of defendant Mid-Atlantic Construction. (Doc. 184). In light of the jury's verdict, defendant Black & Veatch's cross-claims are moot. The cross-claims of defendant Black & Veatch (Doc. 46) are therefore **DISMISSED** as to any remaining cross-defendants.

IT IS SO ORDERED.

Date: 3/2/12

Karen L. Litkovitz
Karen L. Litkovitz
United States Magistrate Judge